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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Australia, Belgium, Bulgaria, Canada, Chile, Cyprus, Finland, France, Georgia, Germany, Iceland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Norway, Peru, Poland, Romania, Slovenia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that democracy is a universal value based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Reaffirming also that, while democracies share common features, there is no single model of democracy and that democracy does not belong to any country or region, and reaffirming further the necessity of due respect for sovereignty and the right to self-determination,

Stressing that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing,

Reaffirming that Member States are responsible for organizing, conducting and ensuring transparent, free and fair electoral processes and that Member States, in the exercise of their sovereignty, may request that international organizations provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose,

Recognizing the importance of fair, periodic and genuine elections, including in new democracies and countries undergoing democratization, in order to empower citizens to express their will and to promote successful transition to long-term sustainable democracies,

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Recognizing also that Member States are responsible for ensuring transparent, free and fair elections, free of intimidation, coercion and tampering of vote counts, and that all such acts are sanctioned accordingly,

Emphasizing that Member States are responsible for respecting the will of the voters as expressed through genuine, periodic, free and fair elections, which shall be by universal and equal suffrage, and in this respect expressing serious concern about the unconstitutional or unlawful disruption of representative governance and democratic institutions and the unlawful removal of any democratically elected officials, whether by States or non-state actors,

Recalling its previous resolutions on the subject, in particular resolution 70/168 of 17 December 2015,

Recalling also all relevant Human Rights Council resolutions on the topic, including resolutions 19/11 of 22 March 2012,[1] 31/14 of 23 March 2016,[2] 31/37 of 24 March 2016,[2] 33/22 of 30 September 2016[3] and 34/41 of 24 March 2017,[4]

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Noting with satisfaction that increasing numbers of Member States are using elections as a peaceful means of discerning the will of the people, which builds confidence in representational governance and contributes to greater national peace and stability, and which may contribute to regional peace and stability,

Recalling the Universal Declaration of Human Rights, adopted on 10 December 1948,[5] in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right freely to choose representatives through periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures,

Reaffirming the International Covenant on Civil and Political Rights,[6] the Convention on the Elimination of All Forms of Discrimination against Women,[7] the International Convention on the Elimination of All Forms of Racial Discrimination[8] and the Convention on the Rights of Persons with Disabilities,[9] and reaffirming also that no distinctions are permitted among citizens on any grounds, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, or on the basis of disability, in the enjoyment of the right to participate, directly or through freely chosen representatives, and to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors,

Reaffirming also that the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached and that the international community

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[1] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and A/67/53/Corr.1), chap. III, sect. A.

[2] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

[3] Ibid., *Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

[4] Ibid., *Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

[5] Resolution 217 A (III).

[6] See resolution 2200 A (XXI), annex.

[7] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[8] Ibid., vol. 660, No. 9464.

[9] Ibid., vol. 2515, No. 44910.

should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world,[10]

Underscoring the important role that regional and subregional organizations play, in accordance with the Charter of the United Nations, in the areas of peace and security, development and human rights,[11] and recalling their commitments to supporting the principles of free and fair elections,

Reaffirming that the full and effective participation of women, on equal terms with men, at all levels of decision-making is essential to the achievement of equality and social inclusion, sustainable development, peace and democracy,

Stressing the importance, generally and in the context of promoting free and fair elections, of respect for the freedoms of peaceful assembly and association and expression, including the freedom to seek, receive and impart information, in accordance with the International Covenant on Civil and Political Rights, and noting in particular the fundamental importance of access to information and media freedom, including through accessible and easy to understand formats for new information and communications technologies,

Noting that some countries are beginning to use online technology for balloting purposes, and reaffirming the right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and that the same rights that people have offline must also be protected online,

Recognizing the need for strengthening democratic processes, electoral institutions and national capacity-building in requesting countries, including the capacity to administer fair elections, promote voter education, the development of electoral expertise and technology and the participation of women on equal terms with men, take all appropriate measures to ensure the effective and full participation of all persons with disabilities on an equal basis with others, increase citizen participation and provide civic education, including to youth, in requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

Noting the importance of ensuring orderly, open, fair and transparent democratic processes that protect the rights to peaceful assembly, association and freedom of expression and opinion,

Noting also that the international community can contribute to the creation of conditions which could foster stability and security throughout the pre-election, election and post-election periods in transitional and post-conflict situations,

Reiterating that transparency is a fundamental basis for free and fair elections, which contribute to the accountability of Governments to their citizens, which, in turn, is an underpinning of democratic societies,

Acknowledging, in this regard, the importance of international observation of elections for the promotion of free and fair elections and its contribution to enhancing the integrity of election processes in requesting countries, to promoting public confidence and electoral participation and to mitigating the potential for election-related disturbances,

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[10] A/CONF.157/24 (Part I), chap. III, para. 8.

[11] Resolution 69/277, para. 2.

Acknowledging also that extending invitations regarding international electoral assistance and/or observation is the sovereign right of Member States, and welcoming the decisions of those States that have requested such assistance and/or observation,

Recalling its resolution 60/1 of 16 September 2005, entitled "2005 World Summit Outcome", in which it welcomed the establishment by the Secretary-General of the United Nations Democracy Fund,

Welcoming the support provided by Member States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Assistance, the Democratic Governance Thematic Trust Fund of the United Nations Development Programme and the United Nations Democracy Fund,

Recognizing that electoral assistance, particularly through appropriate, sustainable, accessible and cost-effective electoral technology, can facilitate full access for persons with disabilities and supports the electoral processes of developing countries,

Recognizing also the coordination challenges posed by the multiplicity of actors involved in electoral assistance both within and outside the United Nations,

Welcoming the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

Recognizing the importance of the links that exist between development, peace, human rights, the rule of law, democracy and good governance, including the holding of free and fair elections, and in this regard welcoming the adoption of the 2030 Agenda for Sustainable Development,[12]

1. *Welcomes* the report of the Secretary-General;[13]

2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs and legislation of requesting countries to develop, improve and refine their electoral institutions and processes, including ensuring full access to all stages of the elections process for persons with disabilities, recognizing that the responsibility for organizing free and fair elections lies with Governments;

3. *Reaffirms* that the electoral assistance provided by the United Nations should continue to be carried out in an objective, impartial, neutral and independent manner;

4. *Requests* the Under-Secretary-General for Political Affairs, in his role as United Nations focal point for electoral assistance matters, to continue to regularly inform Member States about the requests received and the nature of any assistance provided;

5. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission providing such assistance, including the provision of long-term technical cooperation, that

[12] Resolution 70/1.
[13] A/72/260.

conditions exist to allow a free and fair election and that the results of the mission will be reported comprehensively and consistently;

6. *Notes* the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels, and recommends that Member States provide adequate resources for those elections, including considering the possibility of establishing internal funding, where feasible;

7. *Reaffirms* the obligation of all States to take all appropriate measures to ensure that every citizen has the effective right and opportunity to participate in elections on an equal basis;

8. *Strongly condemns* any manipulation of election processes, coercion and tampering with vote counts, particularly when done by States, and calls upon all Member States to respect the rule of law, the human rights and fundamental freedoms of all persons and the will of voters as expressed through genuine, periodic, free and fair elections, which shall be by universal and equal suffrage, as well as by secret ballot, thereby fostering conditions in which all citizens, regardless of how they voted, whom they supported or whether their candidates prevailed, have the motivation and incentive, as well as the right and opportunity, to continue to participate directly or through elected representatives in the conduct of public affairs and their Government;

9. *Calls upon* all States to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and to be elected;

10. *Also calls upon* all States to enhance the political participation of women, accelerate the achievement of equality between men and women and, in all situations, promote and protect the human rights of women with respect to voting in elections and public referendums and being eligible for election to publicly elected bodies on equal terms with men;

11. *Recommends* that, throughout the timespan of the entire electoral cycle, including before and after elections, as appropriate, on the basis of a needs assessment and in accordance with the evolving needs of requesting Member States, bearing in mind sustainability and cost-effectiveness, the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes, also bearing in mind that the relevant office may provide additional assistance in the form of mediation and good offices, upon the request of Member States;

12. *Notes with appreciation* the additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in their reporting on electoral processes, and expresses its appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

13. *Acknowledges* the aim of harmonizing the methods and standards of the many intergovernmental and non-governmental organizations engaged in observing elections, and in this regard expresses appreciation for the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, which elaborate guidelines for international electoral observation;

14. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Assistance, and, bearing in mind that the Fund is currently close to depletion, calls upon Member States to consider contributing to the Fund;

15. *Encourages* the Secretary-General, through the United Nations focal point for electoral assistance matters and with the support of the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, to continue to respond to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular by enhancing the capacity of national electoral institutions;

16. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, including to enhance the accessibility and diversity of the roster of electoral experts and the electoral institutional memory of the Organization, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

17. *Reiterates* the need for ongoing comprehensive coordination, under the auspices of the United Nations focal point for electoral assistance matters, between the Electoral Assistance Division, the United Nations Development Programme, the Department of Peacekeeping Operations and the Department of Field Support of the Secretariat and the Office of the High Commissioner to ensure coordination and coherence and avoid duplication of United Nations electoral assistance;

18. *Requests* the United Nations Development Programme to continue its democratic governance assistance programmes in cooperation with other relevant organizations, in particular those that promote the strengthening of democratic institutions and linkages between civil society and Governments;

19. *Reiterates* the role of civil society and the importance of its active engagement in the promotion of democratization, and invites Member States to facilitate the full participation of civil society in electoral processes;

20. *Also reiterates* the importance of reinforced coordination within and outside the United Nations system, and reaffirms the clear leadership role within the United Nations system of the United Nations focal point for electoral assistance matters, including in ensuring system-wide coherence and consistency and in strengthening the institutional memory and the development, dissemination and issuance of United Nations electoral assistance policies;

21. *Requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance support by the Organization for the democratization process in Member States.